Manitoba
Law Reform
Commission

Manitoba

Law Reform Commission

Commission de réforme du droit

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NINETEENTH ANNUAL REPORT

1989-90

May 15, 1990

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The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

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John C. Irvine
Gerald O. Jewers, J.
Eleanor R. Dawson, Q.C.
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*resigned during the year

The Manitoba Law Reform Commission is an agency of and is primarily funded by the Government of Manitoba.

Additional funding is received from The Manitoba Law Foundation.

Some of the Commission's earlier Reports are no longer in print. Those that are still in print may be ordered from the Publications Branch, Office of the Queen's Printer, 200 Vaughan Street, Winnipeg, Manitoba, R3C 1T5.

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INTRODUCTION

Nineteen years following the commencement of operations of the Manitoba Law Reform Commission, the law reform movement in this country continues to be characterized by vigour and is growing in maturity. The law reform agencies of Canada are collectively responsible for a truly prodigious volume of reports and working papers and, most importantly, changes to the law. Cooperation and interaction between Canada's law reform agencies is increasing and informal arrangements are developing into institutions. The annual meeting of the Law Reform Conference of Canada is evolving into an important force to advance the interests of the various bodies engaged in law reform work in this country. A staff development workshop, held to bring together for the first time lawyers from across the country who make their careers in law reform, was so successful that further meetings are being planned. A computerized bulletin board system linking the various agencies is being readied. Law reform is clearly an infant no longer.

In Manitoba, the most significant manifestation this year of law reform's continued vigour and on-going maturation was the introduction and passage in the Manitoba Legislature of a new *Law Reform Commission Act*. The new Act received Royal Assent and came into force on March 8, 1990 and implemented all of the recommendations contained in our Report on *The Manitoba Law Reform Commission: A Framework for the Future*. A copy of this Act is attached as Appendix A to this Report. This new legislation has considerable practical and symbolic significance to us. It places the Manitoba Law Reform Commission on a surer footing to meet the challenges of the 1990s and beyond. By granting greater security of tenure to the members of the Commission and granting the Commission control over its budget, it significantly enhances the ability of the Commission to make recommendations for improvements to the law based upon their independent assessment of the best interests of the province, without fear of the consequences which difficult decisions may sometimes have. By granting civil service status to the staff of the Commission, it recognizes that competent law reform requires a committed career-oriented professional staff and provides one of the means of achieving this goal. Most importantly, it represents an affirmation by the Government and Legislature of this Province of the importance of the quest for greater justice through independent and considered law reform.

The passage of the new *Law Reform Commission Act* was an important show of confidence in our work for which we are grateful.

THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* to which royal assent was accorded on July 21, 1970 and which came into force on October 1, 1970. This Act was replaced by a new Act, also called *The Law Reform Commission Act*, which came into force on March 8, 1990. Although the passage of the new Act has affected the Commission's operational functions, its mandate has remained the same. Its duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including the removal of provisions which are outdated or inconsistent, the maintenance and improvement of the administration of justice, the review of judicial and quasi-judicial procedures under any Act and the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society. The recommendations of the Commission are made to the Minister of Justice and Attorney General and are then made publicly available.

As will be noted under Work in Progress and in Appendix B, the Commission's programme is extensive and varied. Topics selected for review come from many different sources. First among these, of course, is the Attorney General of Manitoba; he may refer projects to the Commission and may assign priority to any which he selects. The Commission also frequently receives suggestions for projects from judges, law professors, lawyers, interest groups and members of the public. We are grateful for all suggestions and encourage anyone interested in law reform to point out to us areas which they encounter which they believe require review. Although our limited resources do not permit us to take on every matter which is referred to us, anyone suggesting a topic can be assured that it will receive careful consideration.

OPERATIONAL OBSERVATIONS

Meetings

The Commission held seventeen meetings from April 1, 1989 to March 31, 1990. The minimum number of meetings required by *The Law Reform Commission Act* is four meetings annually.

Budget

As an agency of the Government of Manitoba, the Commission' budget is appropriated by the provincial Government and approved by the Legislature. For the 1989-90 fiscal year, the Commission's budget was approved at $359,700, a modest increase of $4,700 from the previous year. We recommended in our Report on the future of the Commission that the Government of Manitoba should continue to be responsible for funding the full operating and salary budget of the Commission and we are pleased that the Government agreed with this recommendation.

Our recommendation that the Commission be entitled to receive funds from other sources was also implemented in the new *Law Reform Commission Act* and accordingly we made application to the Manitoba Law Foundation. We are pleased to report that the Foundation decided to make a grant to us of $30,000. Although relatively small compared with our overall budget, this grant was most appreciated and extremely valuable. It enabled us to hire a further lawyer to work on a project which we otherwise would not have been able to handle. The ability to expand our staff and the projects which we can undertake through grants from the Manitoba Law Foundation is a most significant addition to our ability to meet our mandate of law reform in Manitoba.

For the 1990-91 fiscal year, we applied to the Manitoba Law Foundation for two grants of $31,500 each and we were fortunate to have both approved. We wish to thank the Foundation for their support of the Commission's work.

Personnel

We experienced a great deal of turn-over in staff over the past year. The loss of any staff member is always regrettable, but this is especially true of labour-intensive work such as law reform where our staff is truly our most valuable resource. It is our hope that, now that our new legislation is in place and conversion to the Civil Service is imminent, our staff will have the security which a person would seek when entering into a career of law reform.

Ms Nancy Harwood, who had been with the Commission for four years, decided to return to legal practice and she is currently articling in the Province of British Columbia. We wish to

thank her for her years of competent and diligent work and wish her well in her new endeavours. Mr. Leonard Schwartz, who had been with us for just over one year, also left the Commission, and Ms Kerrie Halprin, who had been hired on a short-term contract, left us at the end of that contract. We wish to thank Mr. Schwartz and Ms Halprin for their work, particularly the research and writing they did on the Provincial Court project.

In the fall of 1989, we were fortunate in hiring Ms Marilyn Pilon to replace Ms Harwood and we will be filling the vacancy created by Mr. Schwartz in the very near future.

By virtue of the grant which we received from the Manitoba Law Foundation, we were able to create a new position which was filled by Ms Jayne Kapac. She is responsible for our project on the law of trusts.

As a result of the delays in filling vacancies, and by utilizing some of our consultancy budget, we also retained the services of Ms Denyse Côté and Ms Debra Hathaway on contracts of limited duration to continue the work already commenced on Distress for Rent in Commercial Tenancies and Sterilization of Minors and the Mentally Incompetent. Also, during Ms Pelletier's vacation, we were pleased to receive the assistance of Ms Elaine Orr, on a part-time basis, to provide the day-to-day support services. We wish to thank all of them for their excellent work.

We were again fortunate in receiving approval for one law student under the STEP programme and were pleased to have the assistance of Ms Jennifer MacKenzie, a second year law student at the Faculty of Law, University of Manitoba.

Finally, we wish to thank Jeffrey Schnoor, Executive Director, Iris Allen, Legal Counsel and Suzanne Pelletier, Administrator, for their continued contribution to our work.

Staff Development Workshop

As we indicated in the introduction to this Annual Report, a staff development workshop was held in Vancouver, British Columbia, from March 8 to March 10, 1990. This workshop brought together for the first time lawyers from the various law reform agencies in Canada to compare notes and learn from each others experiences. The workshop was extremely productive and covered such topics as the rationale for law reform, working environment, programme and project management, implementation of recommendations, staff recruitment and training, research and writing, public profile and public relations, and cooperation between law reform agencies. The success of the workshop was in large part due to the excellent planning and organization which preceded it. For this we owe the Law Reform Commission of British Columbia and, in particular, Tom Anderson, its Counsel, a special vote of thanks.

At the conclusion of the workshop, it was unanimously agreed that a further workshop should be held in a year's time in Winnipeg. Accordingly, our Commission will be acting as host and our staff has begun planning for this important event.

Computerization

Those who read our last Annual Report may remember that we stated that our computerization was nearing completion. Well, as with most new technology, it seems that something new always comes up. The networking and laser printer are now in full operation and working very well, as is the modem giving us access to a database containing the Manitoba Statutes (allowing us to do searches through the statutes which were previously unthinkable) and to UMSEARCH (the University of Manitoba's library index). We have also purchased a

portable lap-top computer for use by our staff outside of the Commission's offices (for example, in libraries) and for use by temporary staff such as summer students.

We have also received and installed on our computer network the Law Reform Database. This is a programme allowing easy access to information about reports done by all of Canada's law reform agencies as well as many Commonwealth agencies, such as those in England, Australia, New Zealand and Hong Kong. It is a unique and a very useful research tool and we compliment the Law Reform Commission of British Columbia for their efforts in creating it.

At the request of the participants of the staff development workshop, we are now looking into the establishment of a computerized law reform Bulletin Board System to provide an electronic link between Canada's various law reform agencies. We hope to be able to find an appropriate computer programme very shortly.

THE COMMISSION'S PROGRAMME

In the normal course of our activities, each of our Legal Counsel works on a different project and Reports are published from time to time as each project is completed. However, this year was quite different. As a result of the urgency attached to our project on the Independence of Provincial Judges and the relatively short time frame which we were given to complete it, all members of our staff were taken from the projects on which they were working and reassigned to the Provincial Court project. Although this permitted us to meet our deadline and to publish a Report of which we are very proud, it did have the negative effect of disrupting our normal flow of reports. However, as we return to our normal rhythm, we are confident that this short-term problem will vanish.

Completed Projects

#72 - The Independence of Provincial Judges - June 28, 1989

This high priority project, a reference from the Minister of Justice and Attorney General, was completed after eight months of intensive research and writing and involved all of our legal and administrative staff in varying degrees.

The Report covered several areas of reform including appointment, remuneration, discipline, evaluation, the role of the Chief Judge and the participation of judges in commissions of inquiry.

Appointment of judges - At the time of the Report, the selection and appointment of provincial judges was within the discretion of the provincial Cabinet. The Commission was concerned that there is an unfortunate public perception that politics has more to do with judicial appointments than does merit. Accordingly, the Commission proposed a new method intended to minimize the influence of partisan politics, open up the process to more candidates and greater public participation and focus the selection criteria on merit alone. The Commission expressed the view that such a new system is essential to ensure public respect for the provincial judiciary.

The Commission proposed the adoption of a "nominating committee" method of appointment. Whenever a vacancy on the bench arises, a broadly-based nominating committee, including judges, lawyers and non-lawyers, should be established. The nominating committee would be required to advertise the vacancy

publicly and to consider all applications and nominations for the position submitted to it. It would also be empowered to seek out appropriate candidates. Upon completing its assessment, it would then submit a list of at least three and not more than six names of qualified individuals to the Attorney General. The Attorney General would then be required to choose one of the names on that list to fill the vacancy on the bench. The Attorney General would not be permitted to appoint an individual whose name did not appear on the list submitted by the nominating committee.

Discipline - Our Report noted that there are several important flaws in the present system by which provincial judges are disciplined for misconduct and by which they may be removed from office. Perhaps the most important of these is that the body which initially considers and orders investigations of complaints is the same body which decides the merits of those complaints; the Judicial Council is designed to act as investigator, prosecutor and judge.

The Commission recommended an entirely new disciplinary procedure which would separate the investigative and adjudicative functions. Under our proposals, minor complaints would be dealt with by the Chief Judge of the Provincial Court. The Chief Judge would attempt to resolve the matter to the satisfaction of both complainant and the judge. Complaints which could not be resolved in this manner, as well as all more significant complaints (and all complaints about the Chief Judge) would go to a new body known as the Judicial Inquiry Board. This body would act as investigator and would make all decisions as to whether or not to lay charges against a judge for misconduct. It would also be responsible for the prosecution of charges. All charges laid by the Judicial Inquiry Board would continue to be heard by the Judicial Council.

The Judicial Council would have the power to dismiss complaints, reprimand the judge, suspend the judge, fine the judge, order costs against the judge or against the Judicial Inquiry Board, require the judge to take a leave of absence for the purpose of treatment, or remove the judge from office. It should be noted that, at present, only the provincial Cabinet can remove a provincial judge and it may do so only after the Judicial Council has decided to suspend the judge. The Commission proposed to remove this power from the Cabinet; only the Judicial Council, which has held a hearing into the matter, should be empowered to remove a provincial judge.

All decisions of the Judicial Council would be subject to an appeal to the Manitoba Court of Appeal.

Evaluation - The Commission proposed that an evaluation programme should be established for the judges of the Provincial Court. It should initially be undertaken on a pilot project basis, concentrating on recently appointed judges. If successful, the programme should be repeated on a regular periodic basis.

The programme should be developed and supervised by a new body called the Judicial Performance Committee. The Commission's report suggested various features and safeguards for the design of the evaluation programme to ensure that it provides meaningful information.

The purpose of the recommended evaluation programme is to assist judges in improving their performance on the bench. Accordingly, data from the pilot project should only be released to the judges being evaluated, to the Chief Judge

(for the purposes of assigning judges and providing guidance to them) and to the Judicial Performance Committee (to assist in the identification of educational needs).

Chief Judge - The Report made a number of recommendations relating specifically to the position of Chief Judge. It proposed that *The Provincial Court Act* be amended to require the appointment of a Chief Judge; at present, the existence of the position is in the discretion of the Cabinet. The Chief Judge should be appointed in the same manner as the other judges of the Provincial Court from a list of names submitted by a nominating committee. The Chief Judge should hold that office during good behaviour and should be permitted to step down at any time and then carry on the normal duties of a Provincial Court judge. If, after completing ten years of service as Chief Judge, the Chief Judge decides to step down from that office and resume duties as a judge of the Provincial Court, his or her salary should remain at the level normally paid to the Chief Judge.

Additional recommendations respecting the Chief Judge were also made. The Report proposed that, if formal charges are filed by the Judicial Inquiry Board against the Chief Judge, he or she should be automatically suspended both as a judge of the Provincial Court and as the Chief Judge of that Court. However, the Judicial Inquiry Board should be empowered, in its discretion, to suspend the Chief Judge from that office, while at the same time allowing him or her to carry out the normal duties of a judge of the Provincial Court.

Immunity - The Commission recommended that Provincial Court judges should have the same immunity from law suits as Superior Court judges (judges of the Court of Queen's Bench and the Court of Appeal). The purpose of this immunity is to ensure that judges act on their own convictions and are free of any fear that a decision will result in personal liability. Judges must be free in thought and independent in judgment.

Commissions of Inquiry - From time to time, Provincial Court judges are asked to participate in Commissions of Inquiry. The Commission recognized that there are circumstances where the involvement of a Provincial Court judge on such Commissions will be of great benefit to the community. However, it also recognized that the absence of that judge from the bench may place a difficult burden on the rest of the Court. More significantly, there may be situations where the matter at issue is so political or controversial as to endanger the perceived impartiality of the judiciary. As a result, the Commission recommended that judges should not act as commissioners except with the prior approval of the Chief Judge.

Remuneration - The salaries and pensions of provincial judges are presently set by the provincial Cabinet in its sole discretion. At best, this results in an unseemly labour-management relationship between the government and the judiciary, with the judges being obliged to go cap-in-hand to the government for increases. At worst, the perception is created that judges are beholden to the government for any improvement in their benefits.

To address this problem, the Commission proposed that all issues relating to the salaries, pensions and other benefits of provincial judges should be referred to an independent committee every two years. The committee would be composed of one member named by the provincial judges and two members named by the Cabinet (not more than one of whom should be an employee of the provincial

government). This body would make recommendations with respect to judicial remuneration, and its recommendations would be legally binding on both the judges and the government unless the Legislature votes to the contrary within a specified period of time. This procedure, known as the "negative resolution" option, should ensure that judges' remuneration is set in a fair and impartial fashion, while still preserving the responsibility of the Legislature for the expenditure of public monies.

Discussion Papers

Statutory Designations and *The Retirement Plan Beneficiaries Act* - October, 1989

Individuals investing their funds are often invited by the financial institution accepting the monies to complete a "designation of beneficiary" form. The purpose of this form is to permit the individual to name the person who should receive the funds in the event of his or her death. Such forms are commonly offered and completed for insurance policies, pension plans, registered retirement savings plans (RRSPs), registered retirement income funds (RRIFs), and sometimes even guaranteed investment certificates. It is assumed by members of the public that those designations will effectively transfer those assets on their death and that a formal will is therefore unnecessary in respect of those assets.

However, concern was expressed by the Manitoba section of the Trust Companies Association about the effectiveness of these designations in the case of RRSPs and RRIFs. As a result, the Manitoba Law Reform Commission was requested by the Minister of Justice and Attorney General to investigate this issue.

We concluded that the concern is well founded. Because of deficiencies in *The Retirement Plan Beneficiaries Act*, a Manitoba statute, these designations of beneficiary forms may be of no legal effect at all in certain circumstances. RRSPs and RRIFs are the investments most at risk. In light of the very large amounts of money invested in these tax-assisted plans (over $329,000,000 was claimed on the income tax returns of 136,570 Manitobans in 1987 alone), the consequences of so many invalid designations are very significant.

Accordingly, the Commission issued a brief Discussion Paper which examined the legal basis for these designations of beneficiaries and which explained why some of these are valid (those for insurance policies and pension plans) and why others are probably invalid (those for RRSPs and RRIFs and Guaranteed Investment Certificates). The Discussion Paper asked why statutory designations are permitted to take the place of wills at all and whether there is still a need for them. Assuming that the need still exists, the Discussion Paper then asked which assets are appropriately dealt with by such instruments. Should the list be broadened to include RRSPs and RRIFs? Should small savings accounts be included? What about other types of assets? Finally, the Discussion Paper looked at some other possible improvements to *The Retirement Plan Beneficiaries Act*.

The Discussion Paper was circulated to, among others, a list of groups and individuals who we felt were representative of the legal, business and consumer communities. An article about the Discussion Paper was also placed in *Headnotes and Footnotes*, the newsletter of the Manitoba Bar Association. We were pleased to receive a number of very excellent responses to the Discussion Paper and we expect that a Report on this subject will be issued in the coming year.

Implementation of Recommendations

The past year was an excellent one for implementation of our Reports. As we indicated at the outset of this Annual Report, our Report on *The Manitoba Law Reform Commission: A Framework for the Future* was implemented in the present Session of the Legislature. In addition, many of the recommendations contained in our Report on *The Independence of Provincial Judges* saw almost instant acceptance by the provincial government. Most of the recommendations respecting appointment, remuneration and the Chief Judge were adopted in legislation passed in the most recent session of the Manitoba Legislature. In fact, the government adopted our proposed method of appointment of provincial judges by executive action even before the amendments to *The Provincial Court Act* were passed.

In addition, recommendations from a number of our older Reports in the area of family and succession law were enacted. These included our Reports on *The Testators Family Maintenance Act*, *The Devolution of Estates Act* and sections 33 and 34 of *The Wills Act*.

Since its inception in 1970, the Commission has submitted 72 formal Reports and 32 informal reports to the Minister of Justice and Attorney General of which 84% have been implemented (in full or in part) by legislation or otherwise. Appendix B contains a full list of our Reports, together with details of their implementation.

Work in Progress

The following list of projects are currently under study:

1. Justices of the Peace and Magistrates

As we indicated in last year's Annual Report, this is the second part of our project dealing with *The Provincial Court Act* (the first part was our Report on *The Independence of Provincial Judges*). In addition to dealing with topics such as qualifications, tenure, appointment, remuneration, discipline and education, our Report will contain the results of a survey which we undertook of all of this province's justices of the peace and magistrates. The results of this survey are presently being tabulated and we expect they will produce valuable and unique data. We expect that our Report will be completed during the coming year.

2. Living Wills

This project addresses the question of whether individuals should be entitled to execute "living wills" (or some other instrument such as a durable power of attorney), instructing a physician to withhold or withdraw life-sustaining procedures in the event of a terminal condition in circumstances where they are otherwise unable to communicate. Such instruments might also be used to indicate that an individual does wish a particular treatment or life-sustaining procedure. We will publishing a Discussion Paper on the topic in the next few months.

3. *The Retirement Plan Beneficiaries Act*

As we reported above, a Discussion Paper was released in the fall of 1989. We expect that our Report will be published in the next few months.

4. *The Trustee Act* and the Law of Trusts

This project is supported by the grant which we received from the Manitoba Law Foundation. With the assistance of Prof. Donovan Waters of the Faculty of Law, University of Victoria, and the lawyer we engaged for this project, Jayne Kapac, the Commission has identified a series of topics in this area on which we plan to work. At present, Ms Kapac is working on the issue of ethical investing and we hope to publish a Report or Discussion Paper in the summer of 1990.

5. Distress in Commercial Tenancies

We are presently finalizing a Discussion Paper on this topic and expect to release it in the next few months. This paper represents the first in a long term project dealing with Parts I, II and III of *The Landlord and Tenant Act*.

6. Land Titles Registration System

The Joint Land Titles Project Interprovincial Committee continued its deliberations during the past year and Prof. D. Trevor Anderson of the Faculty of Law, University of Manitoba, has continued to be our representative. A final report is in preparation and it is expected that it will be completed and released in the coming year. Prof. Anderson has devoted a great deal of time and effort to this project on our behalf and we wish to express our sincere appreciation.

7. Sterilization of Minors and the Mentally Handicapped

This topic was referred to the Commission by the then Attorney General of Manitoba some ten years ago. However, work was deferred on the project pending the resolution of the *Re Eve* case. Following the decision of the Supreme Court of Canada and the publication of the Report by the Alberta Law Reform Institute on this topic, this project was reactivated and it is our hope that a Discussion Paper will be published in the coming year.

Many topics remain on the Commission's agenda to be taken up as and when resources permit. In the coming year, projects on Animal Protection and Control and on Public Statutes Regulating Professions seem most likely to be pursued.

PUBLIC RELATIONS

Once again, various members of the Commission and its staff participated in events to advance or promote the work of the Commission. The following is a list of some of these activities:

- In an effort to obtain more widespread understanding of the role and function of the Manitoba Law Reform Commission, we prepared a brochure for general distribution entitled *Invitation to Reform*. Copies of the brochure were sent to various Manitoba law firms, public libraries, University and College libraries, the Department of Education, the French Language Services Secretariat and the federal Department of Justice. In addition, a copy was sent to each lawyer in the province and was also enclosed with a mailing of our last Report to all persons on our mailing list.

- As in past years, the Commission took part in Law Day, a national event aimed at demystifying the law for the public. The Commission joined other

legal organizations in setting up a booth in a downtown shopping centre, and members of the Commission's staff were on hand to give out brochures and answer questions.

- An Executive Summary of our Report on *The Independence of Provincial Judges* was prepared and sent to every lawyer in Manitoba. In addition, a column about our activities appeared intermittently in *Headnotes and Footnotes*, the publication of the Manitoba Bar Association.

- Prof. Edwards, Ms Dawson and Mr. Schnoor attended the Uniform Law Conference and the Law Reform Conference of Canada held in Yellowknife, Northwest Territories, in August 1989.

- Prof. Tony Doob of the University of Toronto visited our offices and Mr. Schnoor and Ms Harwood met with him to discuss our project on Justices of the Peace and Magistrates, a topic in which he is also working.

- Prof. Peter Russell, a Political Science Professor at the University of Toronto, visited the Commission. Prof. Russell is also the chair of Ontario's Nominating Committee for provincial judges and accordingly, Prof. Edwards and several members of the Commission's staff were pleased to meet with him to discuss our Report on *The Independence of Provincial Judges* and his experiences in that area.

- Mr. Schnoor was invited to appear at a meeting of the Trust Companies Association of Manitoba to speak about our Discussion Paper on *Statutory Designations and The Retirement Plan Beneficiaries Act*. Mr. Schnoor was also interviewed about our Discussion Paper on CKSB, the Winnipeg French language radio station.

ACKNOWLEDGMENTS

In order to accommodate a reorganization of the office space of the Department of Justice, the Commission was asked in the fall of 1989 to move its premises from the 5th to the 12th floor of our building. This move went surprisingly well and we thank all those responsible for its success. In particular, we wish to thank Mr. Chris Moffat of the Department of Government Services for his unfailing good humour in an otherwise trying time and his attention to our needs.

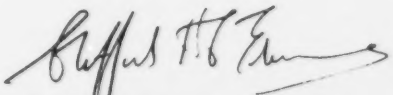
We also wish to thank all those who assisted in the work of the Manitoba Law Reform Commission during the past year. In particular, special notes of thanks go to the Dean and Faculty of Law of the University of Manitoba, as well as the staff of the E.K. Williams Law Library, the Attorney General's Legal Library Resources, the Great Library and the Provincial Archives and Legislative Library. We also express our appreciation for the assistance provided to us by Dennis Marshall during his years as Head Librarian of the E.K. Williams Law Library and wish him well in his new position at Queen's University.

We acknowledge with thanks the assistance of Gordon Pilkey, Q.C., who, as Deputy Minister of Justice and Attorney General, was a great friend of the Commission. We are also pleased to welcome Mr. Pilkey's successor, Graeme Garson, Q.C. We all know Mr. Garson well from his past incarnations as Chief Executive Officer of the Law Society of Manitoba, a provincial judge and a practitioner, and look forward to working with him.

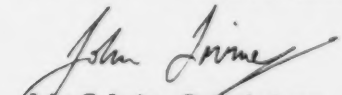
Finally, we wish to take this opportunity to express our deep appreciation to the Minister of Justice and Attorney General of Manitoba, the Hon. James C. McCrae, for the important

contribution which he has made over the past year to the advancement of the cause of law reform. His sponsoring of the new *Law Reform Commission Act* was of great importance to our Commission and will leave his imprint on our work for years to come.

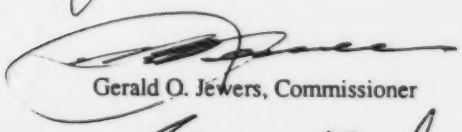
This is a Report pursuant to section 15 of *The Law Reform Commission Act*, signed this 15th day of May 1990.



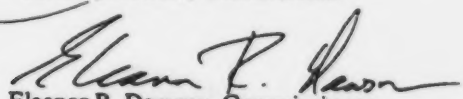
Clifford H.C. Edwards, President



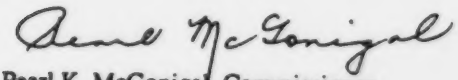
John C. Irvine, Commissioner



Gerald O. Jewers, Commissioner



Eleanor R. Dawson, Commissioner



Pearl K. McGonigal, Commissioner

APPENDIX A

THE LAW REFORM COMMISSION ACT

C.C.S.M. c. L95

CHAPTER L95

THE LAW REFORM COMMISSION ACT

(Assented to March 8, 1990)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definition

1 In this Act,

"commission" means the Manitoba Law Reform Commission continued under this Act; («Commission»)

"minister" means the Attorney General. («ministre»)

Continuation of commission

2(1) The "Manitoba Law Reform Commission", comprising the members appointed under section 3, is continued as a body corporate.

Winding up

2(2) In no case shall the affairs or the duties of the commission be wound up or altered unless the Legislature so provides.

Appointments to commission

3(1) The commission shall be composed of not less than five and not more than seven commissioners appointed by the Lieutenant Governor in Council on the recommendation of the minister.

CHAPITRE L95

LOI SUR LA COMMISSION DE RÉFORME DU DROIT

(Sanctionnée le 8 mars 1990)

SA MAJESTÉ, sur l'avis et du consentement de l'Assemblée législative du Manitoba, édicte :

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

«Commission» La Commission de réforme du droit du Manitoba prorogée en vertu de la présente loi. ("commission")

«ministre» Le procureur général. ("minister")

Prorogation de la Commission

2(1) Est prorogée à titre de personne morale la Commission de réforme du droit du Manitoba, composée des membres nommés en vertu de l'article 3.

Cessation des fonctions

2(2) Sauf si l'Assemblée législative le prévoit, ni les activités ni les fonctions de la Commission ne peuvent cesser ni être modifiées.

Nomination à la Commission

3(1) La Commission est composée de cinq à sept commissaires nommés par le lieutenant-gouverneur en conseil sur la recommandation du ministre dont :

(a) at least one of whom shall be a judge of the Court of Queen's Bench;

(b) at least one of whom shall be a full-time member of the Faculty of Law of the University of Manitoba;

(c) at least one of whom shall be a barrister and solicitor entitled to practise in the province, and who is not in the full-time employ of the Government of Manitoba or any agency thereof; and

(d) at least one of whom is not a lawyer.

Terms of office
3(2) Subject to subsection (3), each commissioner shall hold office for a term of three years during good behaviour.

Terms of first commissioners
3(3) Two of the first commissioners appointed by the Lieutenant Governor in Council shall be appointed for a term of one year during good behaviour, a further two of the first commissioners shall be appointed to hold office for a term of two years during good behaviour, and the rest of the first commissioners so appointed shall be appointed to hold office for a term of three years during good behaviour.

Disqualification of commissioner
3(4) A commissioner is disqualified from holding office, and the office held by the commissioner is vacated, where the commissioner

(a) fails to attend three consecutive regular meetings of the commission, except where the commission by resolution excuses the absences; or

(b) in the case of a commissioner who is a barrister or solicitor, ceases to be a member in good standing of the Law Society of Manitoba; or

(c) is declared under The Mental Health Act to be mentally disordered or incapable of managing his or her affairs.

Vacancies
3(5) A vacancy among the commissioners resulting from resignation, disqualification or death before the expiry of a term of office shall be filled by an appointment for the remainder of the unexpired term.

a) au moins un juge de la Cour du Banc de la Reine;

b) au moins un membre à plein temps de la Faculté de droit de l'Université du Manitoba;

c) au moins un avocat ayant le droit de prâtiquer dans la province mais ne travaillant pas à temps plein pour le gouvernement du Manitoba ou un de ses organismes;

d) au moins une personne qui n'est pas avocate.

Mandat
3(2) Sous réserve du paragraphe (3), chaque commissaire occupe son poste à titre inamovible pour trois ans.

Mandat des premiers commissaires
3(3) Parmi les premiers commissaires nommés par le lieutenant-gouverneur en conseil, deux sont nommés à titre inamovible pour des mandats d'un an, deux autres sont nommés à titre inamovible pour des mandats de deux ans et les autres commissaires sont nommés à titre inamovible pour des mandats de trois ans.

Déchéance
3(4) Est déchu de son poste le commissaire qui :

a) omet d'être présent à trois réunions consécutives régulières de la Commission, à moins que celle-ci n'excuse, par résolution, les absences;

b) étant avocat, cesse d'être un membre en règle de l'Association du Barreau du Manitoba;

c) est déclaré atteint de troubles mentaux ou incapable de gérer ses biens en vertu de la Loi sur la santé mentale.

Sur ce, le poste de ce commissaire devient vacant.

Vacances
3(5) Toute vacance qui se produit parmi les commissaires par suite d'une démission, d'une déchéance ou d'un décès avant l'expiration d'un mandat est remplie pour le reste du mandat non écoulé.

Re-appointment
3(6) A commissioner whose term of office has expired may be re-appointed.

Appointment of successors
3(7) A commissioner whose term of office expires continues to hold office until a successor is appointed.

Transitional
3(8) Notwithstanding anything in this section, the persons who are members of the commission on the coming into force of this Act shall continue to hold office for the terms of their appointments and thereafter until re-appointed or replaced.

President
4 The Lieutenant Governor in Council shall appoint one of the members of the commission, who shall be a lawyer, as president of the commission.

Remuneration
5(1) The president and other members of the commission shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council.

Expenses
5(2) The president and other members of the commission may be paid such reasonable out-of-pocket expenses incurred by them in the performance of duties under this Act as may be approved by the commission.

Reduction of remuneration
5(3) In no case shall the remuneration paid to the members of the commission be reduced unless the Legislature so provides.

Duties of the commission
6 The duties of the commission are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including, without limiting the generality of the foregoing,

(a) the removal of provisions of the law that are outdated or inconsistent;

(b) the maintenance and improvement of the administration of justice;

(c) the review of judicial and quasi-judicial procedures under any Act;

Nouveau mandat
3(6) Les commissaires peuvent recevoir un nouveau mandat.

Nomination de successeurs
3(7) Le commissaire dont le mandat se termine demeure en poste jusqu'à la nomination de son successeur.

Disposition transitoire
3(8) Malgré les autres dispositions du présent article, les personnes qui sont membres de la Commission au moment de l'entrée en vigueur de la présente loi demeurent en poste pour la durée de leur mandat et par la suite jusqu'à ce qu'ils reçoivent un nouveau mandat ou soient remplacés.

Président
4 Le lieutenant-gouverneur en conseil nomme un des membres de la Commission à titre de président. Celui-ci doit être avocat.

Rémunération
5(1) Le président et les autres commissaires reçoivent la rémunération fixée par le lieutenant-gouverneur en conseil.

Frais
5(2) Le président et les autres commissaires sont indemnisés des frais raisonnables engagés dans l'exercice des fonctions qui leur sont confiées en application de la présente loi, sous réserve de l'approbation de la Commission.

Réduction de rémunération
5(3) Sauf si l'Assemblée législative le prévoit, la rémunération versée aux membres de la Commission ne peut être réduite.

Fonctions de la Commission
6 La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue :

a) de supprimer les dispositions du droit qui sont désuètes ou incompatibles;

b) de soutenir et d'améliorer l'administration de la justice;

c) d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;

(d) the development of new approaches to, and new concepts of, law in keeping with and responsive to the changing needs of society and of individual members of society; and

(e) any subject referred to it by the minister.

General powers
7(1) For the purpose of managing and administering the affairs of the commission, the commissioners have, and may on behalf of the commission exercise, all the powers of the commission.

Powers of the commission
7(2) In the performance of its duties, the commission may

(a) institute and direct research, as it considers necessary, including studies and research relating to the laws and legal systems and institutions of other jurisdictions in Canada or elsewhere;

(b) receive and consider any proposals for the reform of the law that may be made or referred to it by any body or person;

(c) undertake any study pursuant to its duties as a joint project of the commission and any one or more other law reform commissions, agencies or bodies in Canada or elsewhere, and enter into such contractual or other arrangements as it considers necessary to carry out a joint project, including arrangements for the provision of personnel or other resources of the commission to any such commission, agency or body;

and may do such other things and take such other measures as the commission considers advisable for the achievement of its objects.

Priority studies
7(3) The minister may direct that the commission include any project in its program for studies and may direct that special priority be given to any project, and the commission shall be governed by any direction so made.

By-laws
8 The commission may, by by-law, regulate its proceedings and provide generally for the conduct and management of its affairs.

d) d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société et des individus qui la composent;

e) de traiter tout autre sujet que le ministre lui soumet.

Pouvoirs généraux
7(1) Aux fins de la gestion des affaires internes de la Commission, les commissaires sont investis de tous les pouvoirs de celle-ci, et ils peuvent exercer ces pouvoirs en son nom.

Pouvoirs de la Commission
7(2) La Commission peut, dans l'exercice de ses fonctions :

a) entreprendre et diriger les recherches qu'elle juge nécessaires, notamment des études et des recherches relatives au droit, aux systèmes et aux institutions juridiques d'autres autorités législatives au Canada ou ailleurs;

b) recevoir et examiner toutes propositions de réforme du droit qui lui sont formulées ou transmises par un organisme ou une personne;

c) faire toute étude que ses fonctions lui permettent, à titre de projet conjoint de la Commission et d'une ou de plusieurs autres commissions, ou d'un ou de plusieurs autres organismes de réforme du droit au Canada ou ailleurs, et elle peut conclure les contrats ou les autres arrangements qu'elle juge nécessaires à la réalisation du projet conjoint, notamment des arrangements visant à fournir à une telle commission ou à un tel organisme du personnel ou d'autres moyens dont dispose la Commission.

Elle peut également accomplir tout autre acte et prendre toute autre mesure qu'elle juge indiqués pour la réalisation des ses objets.

Priorité des études
7(3) Le ministre peut ordonner à la Commission d'inclure un projet dans son programme d'études et lui ordonner d'accorder une priorité spéciale à un projet; la Commission doit respecter l'ordre qui lui a été donné.

Règlements administratifs
8 La Commission peut, par règlement administratif, régir sa procédure et prévoir de façon générale la conduite et la gestion de ses affaires internes.

Meetings
9(1) The commission shall meet at least four times in each year.

Quorum
9(2) A majority of the commission shall constitute a quorum of the commission.

Employment of staff
10(1) An executive director, and such lawyers, office staff and other employees as may be required for the commission's purposes, may be employed under The Civil Service Act.

Civil Service Acts apply
10(2) The provisions of The Civil Service Act and The Civil Service Superannuation Act, and the regulations made under those Acts, apply to persons employed under subsection (1).

Remuneration and duties of employees
11(1) The commission shall pay the salaries and remuneration of persons employed or appointed under section 10, and the commission shall prescribe their duties.

Duties of executive director
11(2) The executive director has the management, direction, control and administration of the day to day operations of the commission.

Temporary assistance
12 The commission may engage on a temporary basis or for specific projects the services of persons having technical or specialized knowledge of any matter relating to the work of the commission, to advise and assist the commission in the performance of its duties under this Act, and may fix and pay the remuneration and expenses of such persons.

Application of Civil Service Act
13(1) Notwithstanding subsection 14(3), for the purpose of applying subsection 12(4) of The Civil Service Act to persons employed under section 10, the funds of the commission shall be deemed to be part of the Consolidated Fund.

Agency of government
13(2) The commission is an agent of Her Majesty in right of Manitoba.

Réunions
9(1) La Commission tient un minimum de quatre réunions par an.

Quorum
9(2) Le quorum est constitué par la majorité des commissaires.

Personnel
10(1) Un directeur général, ainsi que les avocats, le personnel de bureau et les autres employés dont la Commission a besoin à ses fins peuvent être nommés conformément à la Loi sur la fonction publique.

Application de certaines dispositions
10(2) Les dispositions de la Loi sur la fonction publique et de la Loi sur la pension de la fonction publique ainsi que leurs règlements d'application visent les personnes nommées en vertu du paragraphe (1).

Rémunération et fonctions des employés
11(1) La Commission paie la rémunération des personnes nommées en vertu de l'article 10 et définit leurs fonctions.

Fonctions du directeur général
11(2) Le directeur général assure la gestion de la Commission.

Aide temporaire
12 La Commission peut retenir, de façon provisoire ou pour des projets déterminés, les services de personnes possédant des connaissances techniques ou spécialisées sur toute question relative à ses travaux, pour la conseiller et l'aider à remplir les fonctions que lui attribue la présente loi. Elle peut fixer et payer la rémunération et les frais de ces personnes.

Loi sur la fonction publique
13(1) Malgré le paragraphe 14(3), aux fins de l'application du paragraphe 12(4) de la Loi sur la fonction publique aux personnes employées en vertu de l'article 10, les fonds de la Commission sont réputés faire partie du Trésor.

Mandataire du gouvernement
13(2) La Commission est un mandataire de Sa Majesté du chef du Manitoba.

Funds of commission

14(1) The funds of the commission consist of moneys received from any source including, without restricting the generality of the foregoing, moneys granted to it for its use by the Legislature of Manitoba or the Manitoba Law Foundation.

Payment from Consolidated Fund

14(2) For the purposes of subsection (1), the Minister of Finance, on the requisition of the minister, may pay grants to the commission from and out of the Consolidated Fund with moneys authorized for the purpose by the Legislature.

Use of funds

14(3) The commission has charge, control and management of its funds, and may disburse, expend or otherwise deal with those funds, in such manner, consistent with its objects and with this Act, as it may consider proper.

Investment

14(4) Without restricting the generality of subsection (3), the commission may invest any moneys not immediately required for its purposes in investments authorized by the Minister of Finance.

Annual report to minister

15(1) The commission shall report from time to time to the minister and shall make an annual report to the minister on the activities of the commission.

Special report to minister

15(2) When the commission reviews, considers or inquires into any matter referred to it by the minister, the commission shall make a report to the minister with respect to that matter at the conclusion of its deliberations.

Publication of reports

15(3) The commission may publish any report made under this section.

Application of Corporations Act

16 The Corporations Act does not apply to the commission.

Repeal

17 The Law Reform Commission Act, chapter L95 of the Re-enacted Statutes of Manitoba, 1987, is repealed.

Fonds de la Commission

14(1) Les fonds de la Commission sont composés des sommes reçues de toute source, y compris les sommes que l'Assemblée législative du Manitoba ou la Fondation du droit du Manitoba lui accorde.

Paiement sur le Trésor

14(2) Pour l'application du paragraphe (1), le ministre des Finances peut, à la demande du ministre, verser des subventions à la Commission sur le Trésor au moyen des sommes que l'Assemblée législative vote à cette fin.

Utilisation des fonds

14(3) La Commission a la charge, le contrôle et la gestion de ses fonds et elle peut les dépenser ou en disposer autrement de la façon, compatible avec ses objets et la présente loi, qu'elle estime indiquée.

Placements

14(4) Sans préjudice de la portée générale du paragraphe (3), la Commission peut employer les sommes dont elle n'a pas immédiatement besoin dans les placements autorisés par le ministre des Finances.

Rapport annuel

15(1) La Commission présente à l'occasion un rapport au ministre et elle lui présente en outre un rapport annuel sur ses activités.

Rapport spécial

15(2) La Commission présente au ministre un rapport sur toute question que le ministre lui soumet, après la fin de ses délibérations sur cette question.

Publication des rapports

15(3) La Commission peut publier tout rapport qu'elle présente en vertu du présent article.

Loi sur les corporations

16 La Loi sur les corporations ne s'applique pas à la Commission.

Abrogation

17 La Loi sur la Commission de réforme du droit, chapitre L95 des Lois réadoptées du Manitoba de 1987, est abrogée.

Reference in C.C.S.M.

18 This Act may be referred to as chapter L95 of the Continuing Consolidation of the Statutes of Manitoba.

Coming into force

19 This Act comes into force on royal assent.

Codification permanente

18 La présente loi est le chapitre L95 de la Codification permanente des lois du Manitoba.

Entrée en vigueur

19 La présente loi entre en vigueur le jour de sa sanction.

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
#1	Jury Service for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32, Royal Assent July 27, 1971
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders And Workmen Act, S.M. 1976, c. 22, Royal Assent June 3, 1976
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4, Royal Assent May 9, 1972
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59, Royal Assent June 14, 1974 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28, Royal Assent July 6, 1972
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34, Royal Assent July 6, 1972 An Act to Amend The Mines Act S.M. 1972, c. 70, Royal Assent July 20, 1972 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70, Royal Assent July 6, 1972 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act S.M. 1972, c. 93, Royal Assent July 20, 1972 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63) An Act to Amend The City of Winnipeg Act, S.M. 1974, c. 73, Royal Assent June 10, 1974 (ss. 8, 11, 23-26, 28-35, 38, 97 and 98)
1A	Auto Engine Numbers in Section 11 of The Bills of Sales Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81, Royal Assent July 20, 1972 (s. 3)

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act	December 29, 1971	(change not recommended)
	(b)Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971	An Act to Amend The Real Property Act, S.M. 1972, c. 37, Royal Assent July 6, 1972 (s. 103(1))
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An Act to Amend The County Courts Act, S.M. 1972, c. 38, Royal Assent July 6, 1972
First Annual Report		March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13, Royal Assent May 25, 1973
#9	A Review of The Privacy Act with proposed amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23, Royal Assent May 25, 1973
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56, Royal Assent July 11, 1972 (in part)
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60, Royal Assent July 11, 1972

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) and the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8, Royal Assent June 10, 1974
Second Annual Report		March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44, Royal Assent June 10, 1974
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23, Royal Assent June 19, 1975
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4, Royal Assent July 9, 1980 (in part)
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre.
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28, Royal Assent July 20, 1978
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15, Royal Assent June 10, 1974

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes now available
3E	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of an Act to Amend The Liquor Control Act, S.M. 1974, c. 63, Royal Assent June 14, 1974
Third Annual Report		April, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5, Royal Assent June 19, 1975
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6, Royal Assent June 19, 1975
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38, Royal Assent August 18, 1983 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18, Royal Assent June 18, 1977 (in part)
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3, Royal Assent June 19, 1975
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4, Royal Assent June 19, 1975
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba Statutes (in part)
Fourth Annual Report		April, 1975	(not applicable)

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34, Royal Assent June 18, 1977 (in part) An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19, Royal Assent July 9, 1980
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	-
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to amend The Insurance Act, S.M. 1982, c. 11,, Royal Assent May 25, 1982 (s. 1) (in part)
#23	Family Law - Part I The Support of Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25, Royal Assent July 20, 1978 (in part)
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977, (2nd Session), c. 2, Royal Assent December 12, 1977 The Marital Property Act, S.M. 1978, c. 24, Royal Assent July 20, 1978 (in part) An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27, Royal Assent July 20, 1978 (in part) An Act to Amend The Wills Act, S.M. 1980, c. 7, Royal Assent July 9, 1980
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41, Royal Assent June 11, 1976 (ss. 2-4)
Fifth Annual Report		March 29, 1976	(not applicable)

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58, Royal Assent August 18, 1983
Sixth Annual Report		March 14, 1977	(not applicable)
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48, Royal Assent July 29, 1980
Seventh Annual Report		March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28, Royal Assent July 29, 1980
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8, Royal Assent May 11, 1979
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62, Royal Assent July 29, 1980 (in part)
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22, Royal Assent June 15, 1979 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41, Royal Assent July 29, 1980 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17, s. 29
Eighth Annual Report		February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68, Royal Assent July 29, 1980

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7, Royal Assent May 26, 1981
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50, Royal Assent July 11, 1985 (in part)
#34	Enforcement of Judgments Part III: Exemptions under the Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55, Royal Assent July 29, 1980
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5, Royal Assent July 9, 1980
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54, Royal Assent July 19, 1980 (in part)
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67, Royal Assent July 29, 1980
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21, Royal Assent July 9, 1980
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27, Royal Assent July 29, 1980
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57, Royal Assent July 29, 1980 (in part)
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10, Royal Assent May 25, 1982
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26, Royal Assent July 19, 1980
9E	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7, Royal Assent July 9, 1980
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
Ninth Annual Report		February 25, 1980	(not applicable)

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
#39	Controverted Elections	April 21, 1980	-
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34, Royal Assent August 18, 1983
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29, Royal Assent August 18, 1983; The Statute Law Amendment Act (1984), S.M. 1984, c. 17, Royal Assent June 29, 1984 (s. 28)
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31, Royal Assent August 18, 1983
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendment Act, S.M. 1987, c. 27, Royal Assent July 17, 1987
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26, Royal Assent May 26, 1981 (s. 22)
Tenth Annual Report		February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	January 4, 1982	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44, Royal Assent August 18, 1983
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39, Royal Assent Sept. 10, 1986 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43, Royal Assent August 18, 1983
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38, Royal Assent August 18, 1983
11A	Parents' Maintenance Legislation	March 3, 1981	-
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24, Royal Assent June 30, 1982
11C	The Remembrance Day Act	January 28, 1982	-
Eleventh Annual Report		February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28, Royal Assent August 18, 1983
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82, Royal Assent August 18, 1983 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83, Royal Assent August 18, 1983 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84, Royal Assent August 18, 1983 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
			83-84, c. 85, Royal Assent August 18, 1983
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80, Royal Assent August 18, 1983
#54	Certificate of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988, Royal Assent November 16, 1988 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51, Royal Assent July 11, 1985 (in part)
Twelfth Annual Report		April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	-
#57	Uniform Sale of Goods Act	November 1, 1983	-
Thirteenth Annual Report		April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21, Royal Assent July 17, 1987
#60	An Examination of The Dower Act	November 19, 1984	-
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21, Royal Assent July 17, 1987
Fourteenth Annual Report		April 2, 1985	(not applicable)

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	-
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependants Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19, Royal Assent September 10, 1986 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39, Royal Assent July 17, 1987; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57, Royal Assent July 17, 1987
15A	Section 300 of The Liquor Control Act	June 17, 1985	-
Fifteenth Annual Report		May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987, c. 66, Royal Assent July 17, 1987 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	-
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-

	Subject	Date Submitted	Original legislation implementing Commission's Recommendations
Sixteenth Annual Report		April 13, 1987	(not applicable)
17A	The Wages Recovery Act	September 9, 1987	-
Seventeenth Annual Report		September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	-
Eighteenth Annual Report		August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34